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1st Session }

SENATE

{ REPORT
106-205

NATIONAL FOREST AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT OF 1988

NOVEMBER 2, 1999.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 439]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 439) to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 439 is to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada.

BACKGROUND AND NEED

S. 439 will facilitate the “Rural Lands Initiative” in the Carson Valley by consolidating Federal ownership. The bill adjusts the boundaries of the Toiyabe National Forest to exclude a private inholding, thereby placing the inholding within surrounding lands managed by the Bureau of Land Management (BLM). Officials of Douglas and Lincoln Counties, Nevada, the BLM, and the American Land Conservancy are working on a land exchange to trade roughly 16,000 acres of BLM property in Lincoln County for conservation easements on 2,000 acres of rural land in Douglas County. The land in Lincoln County will be made available for private acquisition and development, and the property in Douglas County

will be permanently protected from future changes to its rural, agricultural character.

The bill will ensure that the private land owners in the Carson Valley will work with only one Federal agency as the land exchange process moves forward.

LEGISLATIVE HISTORY

S. 439 was introduced by Senator Bryan on February 22, 1999. The Subcommittee on Forests and Public Land Management held a hearing on S. 439 on July 27, 1999. At the business meeting on October 20, 1999, the Committee on Energy and Natural Resources ordered S. 439 favorably reported, without amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on October 20, 1999, by a voice vote of a quorum present, recommends that the Senate pass S. 439, without an amendment.

SECTION-BY-SECTION ANALYSIS

Section 1 amends the National Forest and Public Lands of Nevada Enhancement Act of 1988 by making a boundary adjustment.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 29, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 439, a bill to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria Heid Hall.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 439—A bill to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada

CBO estimates that implementing S. 439 would have no impact on the federal budget. Because S. 439 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. S. 439 contains no intergovernmental or private-sector mandates as

defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

S. 439 would adjust the boundary of the Toiyabe National Forest in Nevada to exclude roughly 2,000 acres of private land that is currently within that boundary. As a result, any future conservation easements on the affected private land would be managed by the Bureau of Land Management (BLM) rather than the Forest Service. The boundary adjustment would not affect the management of public lands, and based on information from BLM, we estimate that enacting this bill would have no impact on federal spending.

The CBO staff contact is Victoria Heid Hall. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 439.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 439, as ordered reported.

EXECUTIVE COMMUNICATIONS

On October 20, 1999, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth Executive agency recommendations on S. 439. These reports had not been received at the time the report on S. 439 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the Subcommittee hearing follows:

STATEMENT OF RON STEWART, DEPUTY CHIEF, PROGRAMS AND LEGISLATION, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to discuss S. 439, a bill to adjust the boundary of the Toiyabe National Forest in Nevada. S. 719, S. 930, and S. 1030 do not apply to national forest lands.

I am Ron Stewart, Forest Service Deputy Chief for Programs and Legislation. I am accompanied today by Mike Williams, Assistant Director of Lands.

The Administration supports S. 439, which amends the National Forest and Public Lands of Nevada Enhancement

Act of 1988 to allow for a minor correction to the boundary of the Toiyabe National Forest.

The Administration supports S. 439, which amends the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest. Specifically, the bill would transfer to the Secretary of Interior, land situated between the old forest boundary and the revised forest boundary that was transferred to the Secretary of Agriculture under Section 4(a) of the 1988 Act.

We support S. 439 to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to make a minor boundary adjustment on the Toiyabe National Forest.

We thank the subcommittee for the opportunity to comment on this bill. I would be pleased to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 493 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL FOREST AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT OF 1988

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SEC. 4. TRANSFER OF LANDS.

(a) TRANSFER OF PUBLIC LANDS TO THE FOREST SERVICE.—[Effective] (1) *IN GENERAL.*—Effective one hundred and eighty days after the enactment of this Act, the approximately six hundred sixty-two thousand acres of public lands designated for inclusion in the National Forest System on three maps entitled “Nevada Interchange-A”, dated January 1987, “Nevada Interchange-B”, dated February 1988, and “Nevada Interchange-C”, dated August 1988, are hereby withdrawn from the public domain, transferred to the jurisdiction of the Secretary of Agriculture, and shall become part of the Toiyabe National Forest or the Inyo National Forest, as appropriate.

(2) *BOUNDARY ADJUSTMENT.*—Effective on the date of enactment of this paragraph, the portion of the land transferred to the Secretary of Agriculture under paragraph (1) situated between the lines marked “Old Forest Boundary” and “Revised National Forest Boundary” on the map entitled “Nevada Interchange ‘A’, Change 1”, and dated September 16, 1998, is transferred to the Secretary of the Interior.

(b) BOUNDARIES OF TOIYABE AND INYO NATIONAL FORESTS.—
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